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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/334,415	BASSO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Melanie Jagannathan	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/30/2006.
2. ☒ The allowed claim(s) is/are 5, 7-24, 26 renumbered as 1-20 respectively.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>4/14/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|   | 9. <input type="checkbox"/> Other _____.  |

09/334,415

### DETAILED ACTION

- Examiner has considered Amendment after Non-Final mailed 1/30/2006.
- Claims 1, 3-5, 7-25 are pending.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James Blanchette on April 14, 2006

The application has been amended as follows:

1. (CANCELLED)

2. (CANCELLED)

3. (CANCELLED)

1 4. (CANCELLED)

2 5. (CURRENTLY AMENDED) Method for triggering the control plane in an  
3 asynchronous connection-oriented transmission network, comprising the  
4 following steps initiated at any time on request by a user interfacing a source  
5 node:

6            sending from the Control ATM Test Application (CATMTA) ~~means of~~ said  
7   source node a call setup message for testing the connectivity of a network  
8   connection to the Deamon ATM Test Application (DATMTA) ~~means of~~ a  
9   destination node, and

10           sending back an acknowledgement message from said DATMTA ~~means~~  
11   of said destination node to said CATMTA ~~means of~~ said source node when the  
12   connection has been successfully established between said source node and  
13   said destination node; and

14           sending, ~~at any time,~~ a verification data stream from said CATMTA ~~means~~  
15   in said source node to said destination node after receiving said  
16   acknowledgement message, and sending back a response data stream from said  
17   DATMTA ~~means in~~ said destination node to said source node, said response  
18   data stream including a count by the destination node of an amount of data in the  
19   verification data stream received at the destination node, said response data  
20   stream further including a measured time span over which the destination node  
21   received the verification data stream, whereby said verification and response  
22   data streams are used to check the characteristics of the connection previously  
23   established between said source node and said destination node, including  
24   determining, by the source node, a bandwidth of the connection using the  
25   amount of data and the time span from the response data stream. .

1   6. (CANCELLED)

2   7. (PREVIOUSLY PRESENTED) Method according to claim 5, wherein said  
3   verification and response data streams are used to check the end-to-end transit  
4   delay of the connection previously established between said source node and  
5   said destination node.

6   8. (CURRENTLY AMENDED) Method according to claim 5, wherein said  
7   verification and response data streams are used to check whether the a desired  
8   bandwidth requested by ~~the user interfacing~~ said source node has been actually

9 allocated for a constant bit rate over the connection previously established  
10 between said source node and said destination node.

11 9. (CURRENTLY AMENDED) A method for operating a computer, comprising:

12 sending a call setup message over a computer network to a destination  
13 computer; ~~the call setup message to initiate a roundtrip connection through the~~  
14 ~~computer network;~~

15 receiving an acknowledgement message from the destination computer  
16 indicating that the call setup message was received, the acknowledgement  
17 message indicating that ~~the roundtrip~~ a connection through the computer network  
18 is established between the computer and the destination computer;

19 sending, ~~at any time,~~ a verification data stream to the destination  
20 computer in response to receiving the acknowledgement message, the  
21 verification data stream sent over the connection;

22 receiving a response data stream from the destination computer, the  
23 response data stream sent over the connection, the response data stream  
24 including a count by the destination computer of an amount of data in the  
25 verification data stream received at the destination computer, the response data  
26 stream further including a measured time span over which the destination  
27 computer received the verification data stream; and

28 checking a one or more characteristics of the connection in response to  
29 the verification data stream and the received response data stream, the checking  
30 including determining a bandwidth of the connection using the amount of data  
31 and the time span from the response data stream.

32 10. (PREVIOUSLY PRESENTED) The method as in claim 9, further comprising:

33 establishing the connection in an Asynchronous Transfer Mode (ATM)  
34 computer network.

35 11. (PREVIOUSLY PRESENTED) The method as in claim 9, further comprising:  
36 establishing the connection in a Frame Relay computer network.

37 12. (PREVIOUSLY PRESENTED) The method as in claim 9, further comprising:  
38 checking an end-to-end transit delay of the connection using said  
39 verification and response data streams.

40 13. (CURRENTLY AMENDED) The method as in claim 9, further comprising:  
41 checking whether a desired bandwidth requested by a user interfacing  
42 with said computer has been actually allocated for a constant bit rate over the  
43 connection by comparing the desired bandwidth and the bandwidth determined  
44 from the amount of data and the time span using said verification and response  
45 data streams.

46 14. (CURRENTLY AMENDED) A computer, comprising:

47 means for sending a call setup message over a computer network to a  
48 destination computer; ~~the call setup message to initiate a roundtrip connection~~  
49 ~~through the computer network;~~

50 means for receiving an acknowledgement message from the destination  
51 computer indicating that the call setup message was received, the  
52 acknowledgement message indicating that ~~the roundtrip a~~ connection through  
53 the computer network is established between the computer and the destination  
54 computer;

55 means for sending, at any time, a verification data stream to the  
56 destination computer in response to receiving the acknowledgement message,  
57 the verification data stream sent over the connection;

58 means for receiving a response data stream from the destination  
59 computer, the response data stream sent over the connection, the response data  
60 stream including a count by the destination computer of an amount of data in the

61 verification data stream received at the destination computer, the response data  
62 stream further including a measured time span over which the destination  
63 computer received the verification data stream; and

64 means for checking a one or more characteristics of the connection in  
65 response to the verification data stream and the received response data stream,  
66 the means for checking including means for determining a bandwidth of the  
67 connection using the amount of data and the time span from the response  
68 stream.

69 15. (PREVIOUSLY PRESENTED) The computer as in claim 14, further  
70 comprising:

71 means for establishing the connection in an Asynchronous Transfer Mode  
72 (ATM) computer network.

73 16. (PREVIOUSLY PRESENTED) The computer as in claim 14, further  
74 comprising:

75 means for establishing the connection in a Frame Relay computer  
76 network.

77 17. (PREVIOUSLY PRESENTED) The computer as in claim 14, further  
78 comprising:

79 means for checking an end-to-end transit delay of the connection using  
80 said verification and response data streams.

81 18. (PREVIOUSLY PRESENTED) The computer as in claim 14, further  
82 comprising:

83 means for checking whether a desired bandwidth requested by a user  
84 interfacing with said computer has been actually allocated for a constant bit rate  
85 over the connection by comparison of the desired bandwidth and the bandwidth

86 determined from the amount of data and the time span using said verification and  
87 response data streams.

88 19. (CURRENTLY AMENDED) A computer, comprising:

89 a transmitter to send a call setup message over a computer network to a  
90 destination computer; ~~the call setup message to initiate a roundtrip connection~~  
91 ~~through the computer network;~~

92 a receiver to receive an acknowledgement message from the destination  
93 computer indicating that the call setup message was received, the  
94 acknowledgement message indicating that ~~the roundtrip~~ a connection through  
95 the computer network is established between the computer and the destination  
96 computer;

97 a transmitter to send, ~~at any time,~~ a verification data stream to the  
98 destination computer in response to receiving the acknowledgement message,  
99 the verification data stream sent over the connection;

100 a receiver to receive a response data stream from the destination  
101 computer, the response data stream sent over the connection, the response data  
102 stream including a count by the destination computer of an amount of data in the  
103 verification data stream received at the destination computer, the response data  
104 stream further including a measured time span over which the destination  
105 computer received the verification data stream; and

106 a processor to check a one or more characteristics of the connection in  
107 response to the verification data stream and the received response data stream,  
108 the processor further adapted to determine a bandwidth of the connection using  
109 the amount of data and the time span from the response data stream.

110 20. (PREVIOUSLY PRESENTED) The computer as in claim 19, further  
111 comprising:

112           the computer network is an Asynchronous Transfer Mode (ATM) computer  
113 network.

114 21. (PREVIOUSLY PRESENTED) The computer as in claim 19, further  
115 comprising:

116           the computer network is a Frame Relay computer network.

117 22. (PREVIOUSLY PRESENTED) The computer as in claim 19, further  
118 comprising:

119           means for checking an end-to-end transit delay of the connection using  
120 said verification and response data streams.

121 23. (CURRENTLY AMENDED) The computer as in claim 19, further comprising:

122           means for checking whether a bandwidth requested by a user interfacing  
123 with said computer has been actually allocated for a constant bit rate over the  
124 connection by comparison of the desired bandwidth and the bandwidth  
125 determined from the amount of data and the time span using said verification and  
126 response data streams.

127 24. (PREVIOUSLY PRESENTED) A computer readable media containing  
128 executable program, the executable program instructions comprising program  
129 instructions adapted for :

130 sending a call setup message over a computer network to a destination  
131 computer;

132 receiving an acknowledgement message from the destination computer  
133 indicating that the call setup message was received, the acknowledgement  
134 message indicating that a connection through the computer network is  
135 established between a computer and the destination computer;



136 \_\_\_\_\_ sending, at any time, a verification data stream to the destination  
137 computer in response to receiving the acknowledgement message, the  
138 verification data stream sent over the connection;

139 \_\_\_\_\_ receiving a response data stream from the destination computer, the  
140 response data stream sent over the connection, the response data stream  
141 including a count by the destination computer of an amount of data in the  
142 verification data stream received at the destination computer, the response data  
143 stream further including a measured time span over which the destination  
144 computer received the verification data stream; and

145 \_\_\_\_\_ checking one or more characteristics of the connection in response to the  
146 verification data stream and the received response data stream, the checking  
147 including determining a bandwidth of the connection using the amount of data  
148 and the time span from the response data stream.

~~said computer readable media having instructions written thereon for execution on a processor for the practice of the method of claim 5 or claim 9.~~

25. (CANCELLED)

26. (PREVIOUSLY PRESENTED) A method for operating a computer, comprising:

sending a call setup message over a computer network to a destination computer, the call setup message to initiate a roundtrip connection through the computer network;

receiving an acknowledgement message from the destination computer indicating that the call setup message was received, the acknowledgement message indicating that the roundtrip connection through the computer network is established between the computer and the destination computer;

sending, at any time, a verification data stream to the destination computer in response to receiving the acknowledgement message, the verification data stream sent over the connection;

counting data in the verification data stream and measuring the time during which the data are received, where counted data and measured time are part of a response data stream;

receiving the response data stream from the destination computer, the response data stream sent over the connection; and

checking the counted data and the measured time to determine a bandwidth of the connection.

***Allowable Subject Matter***

2. Claims 5, 7-24, 26 are allowed.

The following is an examiner's statement of reasons for allowance: prior art of record does not disclose, in single or in combination, in response to verification data stream from source node, sending back a response data stream including a count by the destination node of an amount of data in the verification data stream received at destination node, and further including a measured time span over which the destination node received the verification data stream and determining, by source node, a bandwidth of connection using amount of data and time span from response data stream in combination of other limitations of the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 571-272-3163. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ   
4/17/06

  
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